

ABRAMS FENSTERMAN, LLP
81 Main Street, Suite 400
White Plains, New York 10601
(914) 607-7010
Daniel S. Alter
Counsel for Nonparty Movants

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

MOSDOS CHOFETZ CHAIM INC.,

Debtor.

Chapter 11 – Post Confirmation

Case No. 12-23616 (RDD)

CONGREGANTS OF MOSDOS CHOFETZ CHAIM
INC. A/K/A KIRYAS RADIN,

Plaintiffs,

- against -

Adv. Proc. No. 21-7023 (RDD)

MOSDOS CHOFETZ CHAIM INC., CHOFETZ
CHAIM INC., TBG RADIN LLC, SHEM OLAM,
LLC, CONGREGATION RADIN DEVELOPMENT
INC., ARYEH ZAKS, BEATRICE WALDMAN
ZAKS, MENDEL ZAKS, GITTEL ZAKS LAYOSH,
ELIYAHU LAYOSH, SAMUEL MARKOWITZ,
DEBORAH ZAKS HILLMAN, YOM T. HENIG,
STEVEN GREEN, DANIEL GREEN, ABRAHAM
ZAKS and STERLING NATIONAL BANK,

Defendants.

**DECLARATION OF
DANIEL S. ALTER**

DANIEL S. ALTER, under penalty of perjury and pursuant to 28 U.S.C. § 1746, submits this declaration in connection with the appeal bonds obtained by nonparties Rabbi Mayer Zaks, Sima Zaks Weintraub, Shimon Zaks, Nachum Z. Brody, Yisroel Hochman, and Faigy Hochman (collectively, “Stay Movants”) in compliance with this Court’s order of June 3, 2022 (“June 3rd Order”).

1. I am an attorney for the Stay Movants, and I make this declaration based upon my personal knowledge.
2. Attached hereto as Exhibit A are true and correct copies of the corrected appeal bonds issued on June 10, 2022 by Great American Insurance Co., 201 East 5th Street, Cincinnati, OH 45202, in favor of Congregation Radin Development Inc. (“CRDI Bond”) and the Clerk of the United States Bankruptcy Court for the Southern District of New York (“Clerk’s Bond”).
3. The CRDI Bond is in the amount of \$42,225 and secures the Stay Movants’ payments for the use and custody of their homes for May, June, and July 2022, as directed by the June 3rd Order.
4. The Clerk’s Bond is in the amount of \$60,000 and secures the Stay Movants’ payments for any coercive sanctions incurred during June and July 2022, as directed by the June 3rd Order.
5. The Stay Movants will promptly forward to CRDI and the Clerk of Court the original bond documentation when they receive it from the surety. That documentation is expected to arrive within the week.

Dated: White Plains, New York
June 13, 2022

/s/ DANIEL S. ALTER

Daniel S. Alter

EXHIBIT A

Great American Insurance Company

In the United States Bankruptcy Court
Southern District State of New York

MOSDOS CHOFETZ CHAIM INC.

Debtor,

CONGREGANTS OF MOSDOS CHOFETZ CHAIM INC. A/K/A KIRYAS RADIN,

Plaintiff,

vs

MOSDOS CHOFETZ CHAIM INC., CHOFETZ CHAIM
INC., TBG RADIN LLC, SHEM OLAM, LLC,
CONGREGATION RADIN DEVELOPMENT INC., ARYEH
ZAKS, BEATRICE WALDMAN ZAKS, MENDEL ZAKS,
GITTEL ZAKS LAYOSH, ELIYAHU LAYOSH, SAMUEL MARKOWITZ,
DEBORAH ZAKS HILLMAN, YOM T.
HENIG, STEVEN GREEN, DANIEL GREEN, ABRAHAM ZAKS and
STERLING NATIONAL BANK,

Defendants,

Case No. 21-07023-rdd

UNDERTAKING UNDER SECTION Appeal

Great American Insurance Company
301 E 4th St
Cincinnati, OH 45202

WHEREAS MAYER ZAKS, ON BEHALF OF HIMSELF AND SIMA ZAKS, WEINTRAUB, ARON ZAKS, HENOKH ZAKS, YOSEF TZVI ZAKS, NACHUM Z. BRODY, LEAH BRODY, YISROEL HOCHMAN, AND FAIGY HOCHMAN ("THE ZAKS") DESIRES TO GIVE AN UNDERTAKING FOR AN APPEAL FROM THE ORDER OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK "BANKRUPTCY COURT"), DATED APRIL 14, 2022 ("APRIL 14TH ORDER"), EVICTING THE ZAKS FROM THEIR HOMES (THE "APPEAL"),

NOW THEREFORE, THE UNDERSIGNED SURETY, DOES HEREBY OBLIGATE ITSELF, JOINTLY AND SEVERALLY, TO CONGREGATION RADIN DEVELOPMENT INC., UNDER SAID STATUTORY OBLIGATIONS, IN THE SUM OF FORTY-TWO THOUSAND TWO HUNDRED TWENTY-FIVE DOLLARS (\$42,225). THAT OBLIGATION IS MADE TO PAY FUTURE USE AND OCCUPANCY CHARGES FOR THE ZAKS' RESIDENTIAL UNITS, AS CALCULATED AND DIRECTED IN ACCORDANCE WITH THE BANKRUPTCY COURT'S ORDER OF JUNE 3, 2022.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, IF THE ZAKS SHALL WELL AND TRULY PROSECUTE THE APPEAL WITH EFFECT AND SHALL, IF THE JUDGMENT OF THE APPELLATE COURT BE AGAINST IT, PERFORM SUCH JUDGMENT OR DECREE OF SAID COURT, AND PAY ALL SUCH SUMS AS MAY BE AWARDED AGAINST IT ON SUCH APPEAL, THEN THIS OBLIGATION SHALL BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT; THE CONDITION FOR PAYMENT OF THE BOND IS THE DISMISSAL OF THE APPEAL OR THE AFFIRMANCE OF THE APPEAL OF THE BANKRUPTCY COURT'S JUDGEMENT OF APRIL 14, 2022 OR ANY MODIFIED JUDGEMENT IN FAVOR OF CONGREGATION RADIN DEVELOPMENT INC.

IN WITNESS WHEREOF, The corporate seal and name of the said Surety Company is hereto affixed and attested by
Valerie Aber who declares under penalty of perjury that he is its duly authorized Attorney-in-Fact acting under an
unrevoked power of attorney on file with the Clerk of the County in which above entitled Court is located.

Executed at Litchfield Park, AZ, 10th on June 2022

Bond No. E706584

Great American Insurance Company

Attorney-in-Fact Valerie Aber

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF ARIZONA
COUNTY OF MARICOPA } ss.

ON 06/10/2022 BEFORE ME, Joshua Ferman

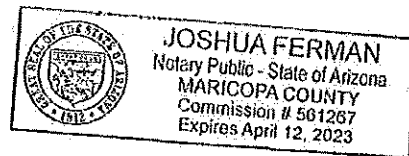
PERSONALLY APPEARED VALERIE ABER, ATTORNEY-IN-FACT

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ARIZONA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE



THIS AREA FOR OFFICIAL NOTORIAL SEAL.

GREAT AMERICAN INSURANCE COMPANY®

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by
this power of attorney is not more than one

Bond No. E706584

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, the specific bond, undertaking or contract of suretyship referenced herein; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below. The bond number on this Power of Attorney must match the bond number on the bond to which it is attached or it is invalid.

Name	Address	Limit of Power
Valerie Aber	13341 W Indian School Road, Suite 305 Litchfield Park, AZ 85340	\$42225---

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 10th day of June, 2022
Attest
GREAT AMERICAN INSURANCE COMPANY



Atty L C. B.
Assistant Secretary

Mark V. Vicario
Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss:

MARK VICARIO (877-377-2405)

On this 10th day of June, 2022, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



SUSAN A. KOHORST
Notary Public
State of Ohio
My Comm. Expires
May 18, 2025

Susan A. Kohorst

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this 10th day of June, 2022



Atty L C. B.
Assistant Secretary

**STATE OF NEW YORK
DEPARTMENT OF FINANCIAL SERVICES**

**CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW YORK INSURANCE
LAW**

It is hereby certified that

**Great American Insurance Company
of Cincinnati, Ohio**

a corporation organized under the laws of Ohio and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties, and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of \$2,859,579,297. (Capital \$15,440,600), as is shown by its sworn financial statement for the quarter ending, September 30, 2021, on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.

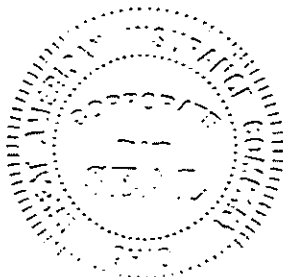


In Witness Whereof, I have here-
unto set my hand and affixed the
official seal of this Department
at the City of Albany, this 3rd
day of January, 2022.

Adrienne A. Harris
Acting Superintendent

By

Colleen M. Draper
Special Deputy Superintendent



Great American Insurance Company

In the United States Bankruptcy Court
Southern District State of New York

MOSDOS CHOFETZ CHAIM INC.

Debtor.

CONGREGANTS OF MOSDOS CHOFETZ CHAIM INC. AKA/ KIRYAS RADIN,

Plaintiff,

vs

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INC., TBG RADIN LLC, SHEM OLAM, LLC,
CONGREGATION RADIN DEVELOPMENT INC., ARYEH
ZAKS, BEATRICE WALDMAN ZAKS, MENDEL ZAKS,
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Defendants;

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NOW THEREFORE, THE UNDERSIGNED SURETY, DOES HEREBY OBLIGATE ITSELF, JOINTLY AND SEVERALLY, TO THE CLERK, UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK UNDER SAID STATUTORY OBLIGATIONS, IN THE SUM OF SIXY THOUSAND (\$60,000), THAT OBLIGATION IS MADE TO PAY FUTURE COERCIVE MONETARY SANCTIONS IMPOSED AGAINST THE ZAKS, AS CALCULATED AND DIRECTED IN ACCORDANCE WITH THE BANKRUPTCY COURT'S ORDER OF JUNE 3, 2022.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, IF THE ZAKS SHALL WELL AND TRULY PROSECUTE THE APPEAL WITH EFFECT AND SHALL, IF THE JUDGEMENT OF THE APPELLATE COURT BE AGAINST IT, PERFORM SUCH JUDGEMENT OR DECREE OF SAID COURT, AND PAY ALL SUCH SUMS AS MAY BE AWARDED AGAINST IT ON SUCH APPEAL, THEN THIS OBLIGATION SHALL BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT. THE CONDITION FOR PAYMENT OF THE BOND IS THE DISMISSAL OF THE APPEAL OR THE AFFIRMANCE OF THE APPEAL OF THE BANKRUPTCY COURT'S JUDGEMENT OF APRIL 14, 2022 OR ANY MODIFIED JUDGEMENT IN FAVOR OF CONGREGATION RADIN DEVELOPMENT INC.

IN WITNESS WHEREOF, The corporate seal and name of the said Surety Company is hereto affixed and attested by Valerie Aber who declares under penalty of perjury that he is its duly authorized Attorney-in-Fact acting under an unrevoked power of attorney on file with the Clerk of the County in which above entitled Court is located.

Executed at Litchfield Park, AZ, 10th on June 2022

Bond No. E706585

Great American Insurance Company

Attorney-in-Fact Valerie Aber

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STATE OF ARIZONA
COUNTY OF MARICOPA } SS.

ON 06/10/2022 BEFORE ME, Joshua Ferman

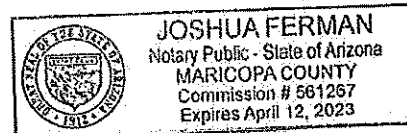
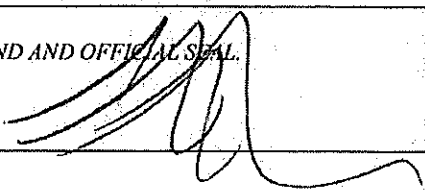
PERSONALLY APPEARED VALERIE ABER, ATTORNEY-IN-FACT

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Name	Address	Limit of Power
Valerie Aber	13341 W Indian School Road, Suite 305 Litchfield Park, AZ 85340	\$60000—

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 10th day of June, 2022
GREAT AMERICAN INSURANCE COMPANY



Atty L C B
Assistant Secretary

Mark V Vicario
Divisional Senior Vice President

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 10th day of June, 2022, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.

MARK VICARIO (877-377-2405)



SUSAN A KOHORST
Notary Public
State of Ohio
My Comm. Expires
May 18, 2025

Susan A Kohorst

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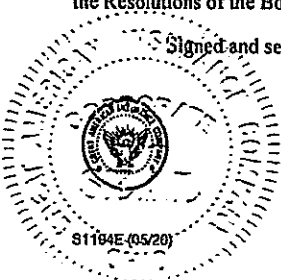
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RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, STEPHEN C. BERAHA, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

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Atty L C B
Assistant Secretary

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DEPARTMENT OF FINANCIAL SERVICES**

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The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.



In Witness Whereof, I have here-
unto set my hand and affixed the
official seal of this Department
at the City of Albany, this 3rd
day of January, 2022.

Adrienne A. Harris
Acting Superintendent

By

Colleen M. Draper
Special Deputy Superintendent

